

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/24/2000

CLERK OF THE COURT
FORM R122A

HONORABLE LINDSAY ELLIS

J. Greer
Deputy

CR 1999-008325

FILED: _____

STATE OF ARIZONA

COUNTY ATTORNEY CCC

v.

SARAH L/DANIELSEN
DOB: 03-19-80

JAMES M LIKOS

CORRECTIONAL HEALTH SERVICES
MCSO-DIS
VICTIM WITNESS DIV-CA-CCC
JOHN SCIALLI MD
(224-9888)
4647 N 32ND ST
STE 260
PHOENIX AZ
85018-
H DANIEL BLACKWOOD PHD
(602-230-8324)
301 E BETHANY HOME RD
BLDG A STE 125
PHOENIX AZ
85012-

NOTICE OF APPOINTMENT OF EXPERT
MENTAL HEALTH EXAMINATION

The Court having been presented with a motion for a determination of whether the Defendant is competent to stand trial and/or Defendant's mental condition at the time of the offense, and

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The Court having determined that reasonable grounds for an examination of Defendant's mental condition exist,

IT IS ORDERED appointing **Dr. John Scialli and Dr. H. Daniel Blackwood** to examine the Defendant at the earliest possible date in conformity with this Notice of Appointment.

IT IS FURTHER ORDERED setting a hearing pursuant to A.R.S. Section 13-4510 on **May 30, 2000 at 10:00 a.m.** in this division.

NOTICE: This is a non-evidentiary hearing. If the parties wish an evidentiary hearing, they are to contact the assigned Judge Pro Tem within two (2) judicial days to request an evidentiary hearing be set.

The exam to be held at the Maricopa County Jail as the Defendant is presently in custody at Madison Street Jail, Booking Number **#A546233**.

The Defendant is charged with the crime(s) of **Count 1: Methamphetamine-Possession, a Class 4 Felony (F4N); Count 2: Possess Drug Paraphernalia, a Class 6 Felony (F6N)**, committed on or about **June 2, 1999**.

The Court having been advised that the Defendant is presently in custody,

If the Defendant is released prior to the examination taking place,

IT IS FURTHER ORDERED directing defense counsel to immediately upon Defendant's release contact the Mental Health Expert(s) to schedule a time for Defendant's examination. Defense counsel is to accompany the Defendant to the examination or otherwise insure the Defendant's attendance at the examination.

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IT IS FURTHER ORDERED that the mental health experts submit their written reports to this Court no later than ten (10) judicial days after the completion of the exam and at least five (5) judicial days prior to the date the hearing is set. The presence of mental illness, defect or disability alone is not grounds for finding a Defendant incompetent to stand trial. "Mental illness, defect or disability" means, according to the law, a psychiatric or neurological disorder that is evidenced by behavioral or emotional symptoms, including congenital mental conditions, conditions resulting from injury or disease and developmental disability as defined in A.R.S. Section 36-551.

Experts are to facsimile (506-2342 and then mail the original) or mail reports to the Court in care of the Competency Calendar Administrator, Criminal Court Administration, 201 W. Jefferson, 5th Floor, Phoenix, Arizona 85003.

IT IS FURTHER ORDERED that the mental health expert examine the Defendant for his/her present competency (i.e., is the Defendant able to understand the nature and object of the proceeding and is the Defendant able to assist in his/her defense).

Each report is to address the following issues CLEARLY and DIRECTLY:

1. Is the Defendant COMPETENT to stand trial? State the mental health expert's opinion of the Defendant's criminal competency to stand trial. If the mental health examiner determines that the Defendant is currently competent by virtue of ongoing treatment with psychotropic medication, the report shall address the necessity of continuing that treatment and shall include a description of any limitations that the medication may have on competency.

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2. State the mental health expert's opinion, in the event Defendant chooses to plead guilty, whether mental illness, defect or disability has substantially impaired the Defendant's ability to make a competent decision concerning a waiver of rights and to have a rational, as well as factual understanding of the consequences of entering a plea of guilty. If the Defendant chooses to plead guilty to a criminal charge, does he/she understand that he/she loses, waives and gives up the following Constitutional rights:

a) The right to a trial by jury with the assistance of an attorney at all stages of the proceedings;

b) The right to confront the witnesses against him/her and to cross-examine them as to the truthfulness of their testimony;

c) The right to present evidence in his/her own behalf and to have the State compel witnesses of his/her choosing to appear and testify;

d) The right to remain silent and not incriminate himself/herself;

e) The right to plead not guilty.

3. If the mental health expert determines that the Defendant is NOT competent, address the following:

a) The mental illness, defect or disability which is the cause of the Defendant's incompetency;

b) The Defendant's prognosis for restoration to competency (i.e., will the Defendant be restored to competency within fifteen (15) months?);

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c) The most appropriate form and place of treatment in Arizona, based on the Defendant's therapeutic needs and potential threat to public safety (i.e., should the Defendant be treated on an outpatient or inpatient basis?);

d) Whether the Defendant is incompetent to refuse treatment and should be subject to involuntary treatment for restoration to competency; and,

e) The approximate period of time the Defendant will need treatment/training to regain competency.

4. If it is determined by the expert that the Defendant will not be restored to competency within fifteen (15) months, the expert shall:

a) State whether the Defendant is as a result of a mental disorder a danger to self, a danger to others, gravely disabled, or persistently or acutely disabled as defined in A.R.S. Section 36-501(5), (6), (14), (20) and (29).

b) State whether the mental health expert recommends civil commitment and whether or not the Defendant without immediate or continued hospitalization is likely to suffer substantial bodily harm, as defined in A.R.S. Section 36-501(6)(b), serious illness or to inflict substantial bodily harm on another person.

In addition to the above, each report to the Court is to describe the nature, content, extent and results of the examination and any tests conducted; the facts on which the findings are based; and an ULTIMATE OPINION as to the Defendant's competency.

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IT IS FURTHER ORDERED that the mental health experts immediately notify the Court's Competency Calendar Administrator at 506-1509 if they are unable to meet the schedule set herein, if other physical arrangements are necessary to properly conduct the examination or if additional expert assistance is necessary for an adequate determination of any of the above matters.

IT IS FURTHER ORDERED that Correctional Health Services permit the mental health expert(s) to view the Defendant's medical file retained in the jail medical section, including, but not limited to, records relating to alcohol or drug abuse.

IT IS FURTHER ORDERED that defense counsel shall be available, either physically or telephonically to the experts conducting the examination and shall review and excise the written reports of the mental health experts and provide excised copies for Court and prosecution at least two judicial days in advance of the time set for hearing. The Clerk shall file only the original unexcised copies of the experts' reports.

IT IS FURTHER ORDERED affirming prior Bond and Release orders.

cc: Superior Court Forensic Services Unit

/s/HONORABLE LINDSAY ELLIS
JUDGE OF THE SUPERIOR COURT